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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,874	10/22/2001	Akihiko Hamamura	110924	7497

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OLIFF & BERRIDGE
P.O. BOX 19928
ALEXANDRIA, VA 22320

EXAMINER

FRAZIER, OWEN J

ART UNIT	PAPER NUMBER
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2687

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary**Application No.**

09/982,874

Applicant(s)

HAMAMURA, AKIHIKO

Examiner

Owen J Frazier

Art Unit

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7-9 and 11 is/are rejected.
- 7) ☒ Claim(s) 4, 5, 6, 10, 12, 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

R. B. Barnie
REXFORD BARNIE
PRIMARY EXAMINER

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/24/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 2, 3, 7, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki (US Pat# 6,256,520) in view of Fakruddin (US Pat# 5,027,294).

Regarding claim 1, Suzuki teaches a wireless communication device in Fig 2 comprising an interface portion (30) signally connected to a connector (Col. 4 line 48) dedicated to a recording-medium of a main device, a recording portion (20) for non-volatile recording, a wireless communication portion (1,2) performing wireless communication, and a control portion (8) transmitting information to be recorded through the wireless communication portion to an external destination (Col. 4 lines 39-58, Col. 5 lines 55-63). Suzuki fails to teach the control portion generating a backup of information in the recording portion. Fakruddin teaches backup of information in recording portion (see entire disclosure).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Fakruddin into that of Suzuki for the obvious reason having a backup during power failure during communication.

Regarding claim 2, Suzuki teaches a wireless communication device in Fig 2 comprising an interface portion (30) signally connected to a main device, a recording portion (20) for non-volatile recording, a wireless communication portion (1,2) performing wireless communication, and a control portion (8) transmitting information to be recorded through the wireless communication portion to an external destination (Col. 4 lines 39-58, Col. 5 lines 55-63). Suzuki fails to teach the control portion generating a backup of information in the recording portion. Fakruddin teaches backup of information in recording portion (see entire disclosure).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Fakruddin into that of Suzuki for the obvious reason having a backup during power failure during communication.

Regarding claim 3, Suzuki teaches power source detection that judges the quality of the power source of the wireless communication unit. When the power source is above a predetermined level (good), the control portion transmits information through the wireless communication portion to the external destination. When the power source is below the predetermined level (not good), the control portion does not wirelessly communicate, but stores (records) the information (Col. 1 lines 57-62, Col. 2 lines 61-67, Col. 5 lines 23-26, Col. 7 lines 10-13 and 48-59). Suzuki fails to teach the control portion generating a backup of information in the recording portion. Fakruddin teaches backup of information in recording portion (see entire disclosure).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Fakruddin into that of Suzuki

for the obvious reason having a backup incase there is communication failure or unexpected power failure.

Regarding claim 7, Suzuki teaches a wireless communication device in Fig 2 comprising an interface portion (30) signally connected to a connector (Col. 4 line 48) dedicated to a recording-medium of a main device, a recording portion (20) for non-volatile recording, a wireless communication portion (1,2) performing wireless communication, and a control portion (8) transmitting information to be recorded through the wireless communication portion to an external destination (Col. 4 lines 39-58, Col. 5 lines 55-63). It is inherent that the control portion has the function of acquiring information to be recorded from main device and imitating recording is read as processing information to the main device into memory.

Regarding claim 11, Suzuki and Fakruddin teach all of claim 7 which claim 11 is dependent on. The combination fails to detail as shown in figures the outer shape of the recording-medium connected to the connector of the main device. The examiner takes official notice that it is well known to have the outer shapes of the connector and a device to be compatible. Therefore, it would be obvious to make the outer shapes compatible so that they would fit firmly together when wireless communication is not necessary and a direct connection is desired so as to eliminate any possibility of communication failure.

2. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki (US Pat# 6,256,520) and Fakruddin (US Pat# 5,027,294) as applied to claim 7 above, and further in view of Miyake (US Pat# 3,038,434).

Regarding claims 8 and 9, Suzuki and Fakruddin teach claim 7, which claims 8 and 9 are dependent upon. The combination fails to teach the control portion selecting information with predetermined attribute information including write protect to transmit. Miyake discloses an apparatus for receiving and displaying RDS data in which the controller selects predetermined data i.e. data with attributes as write protected data (Col. 3 lines 16-25).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Miyake into that of Suzuki and Fakruddin for the obvious reason of preventing the data having the predetermined attribute with write protect from being over-written erroneously as well as having attributes for organization purposes.

Allowable Subject Matter

3. Claims 4, 5, 6, 10, 12, and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Schaeffer (US 2002/0013161), Yoshida (US Pat# 6,690,417), and Suonpera (US 2001/0041592).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Owen J Frazier whose telephone number is (703) 305-0548. The examiner can normally be reached on Monday-Friday 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A Kuntz can be reached on (703) 305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RBarnie
REXFORD BARNIE
PRIMARY EXAMINER
